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UNITED STATES DEPARTMENT OF AGRICULTURE  
Production and Marketing Administration  
Grain Branch  
Washington 25, D. C.

PROSECUTIONS AND SEIZURES UNDER THE FEDERAL SEED ACT  
(January 1, 1950, to June 30, 1950 (208-217))

208. False labeling of "Kentucky" fescue seed. Excessive noxious-weed seeds. U. S. v. five bags of "Kentucky 31" fescue seed. Seed seized and ordered destroyed. (F. S. 537)

W. C. Kelley, Tullahoma, Tennessee, on October 11, 1949, transported in interstate commerce from Tullahoma, Tennessee, to Anniston, Alabama, ten 50-pound bags of "Kentucky" fescue seed.

A libel was filed in the District Court of the United States for the Northern District of Alabama praying seizure of this seed and alleging same to be in violation of the Federal Seed Act.

Labels attached to the bags represented the seed to contain 0.05 percent weed seeds and no noxious-weed seeds; whereas, the seed was found to contain 1.56 percent weed seed and the noxious-weed seeds; sheep sorrel, curled dock; buckhorn plantain, and dodder at the rate of 1004, 229, 45, and 36 per pound, respectively. Agricultural seed containing in excess of 500 such noxious-weed seeds is prohibited from sale in the State of Alabama and, therefore, prohibited from shipment into that State under the Federal Seed Act. The seed was seized by the United States marshal.

On January 17, 1950, no claimant having appeared, the Court ordered the seed destroyed.

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209. False and incomplete labeling of oat seed. U. S. v. 48 bags of oat seed. Seed seized and released to a public institution to be used for animal feed. (F. S. 538)

Kaylor and Seymour, Leslie, Georgia, on December 1, 1949, delivered for transportation in interstate commerce from Leslie, Georgia, to Slocumb, Alabama, 163 bags of oat seed.

A libel was filed in the District Court of the United States for the Middle District of Alabama praying seizure of 48 bags of this seed and alleging same to be in violation of the Federal Seed Act.

Labels attached to the bags represented the seed to have a germination of 85 percent; whereas, the seed was found in December 1949 to have a germination of 9 percent. Labels attached to the bags failed to show the percentage of pure seed, the percentage of inert matter, the percentage of weed seed, the percentage of other crop seed, the date of the germination test, the names and rates of occurrence of noxious-weed seeds, and a lot number as required under the Federal Seed Act. The seed was seized by the United States marshal.

On February 23, 1950, no claimant having appeared, the seed was released to a public institution to be used for animal feed only.

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210. Incomplete labeling of oat seed and barley seed. Excessive noxious-weed seeds. U. S. v. Whitney Seed Company, Inc., Buffalo, New York. Plea of guilty. Fine \$200. (F. S. 541)

Whitney Seed Company, Inc., Buffalo, New York, on March 30, 1948, and March 27, 1948, delivered for transportation in interstate commerce from Buffalo, New York, to Taunton, Massachusetts; and Worcester, Massachusetts, six bags of oat seed and 12 bags of barley seed, respectively.

Information was filed in the District Court of the United States for the Western District of New York alleging that the Whitney Seed Company, Inc., Buffalo, New York, did unlawfully deliver for transportation in interstate commerce the above-mentioned shipment of seed in violation of the Federal Seed Act.

Labels attached to the bags in both shipments failed to indicate the presence of noxious-weed seeds; whereas, the oat seed was found to contain the primary noxious-weed seed, quackgrass, at the rate of 62 per pound and the barley seed was found to contain quackgrass seeds at the rate of 6 per pound. Agricultural seed containing primary noxious-weed seeds is prohibited from sale in the State of Massachusetts and, therefore, prohibited from shipment into that State under the Federal Seed Act.

On March 6, 1950, Whitney Seed Company, Inc., Buffalo, New York, entered a plea of guilty and the Court imposed a fine of \$100 on each of two counts, or a total fine of \$200.

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211. False labeling of lespedeza seed. U. S. v. 22 bags of lespedeza seed. Seed seized and ordered destroyed. (F. S. 548)

J. W. Darden and Son, Springfield, Tennessee, on February 1, 1950, transported in interstate commerce from Springfield, Tennessee, to Russellville, Alabama, 22 bags of lespedeza seed.

A libel was filed in the District Court of the United States for the Northern District of Alabama praying seizure of this seed and alleging same to be in violation of the Federal Seed Act.

Labels attached to the bags represented the seed to consist, in part, of 0.60 percent weed seed and to contain the noxious-weed seed, dodder, at the rate of 80 per pound; whereas, the seed was found to consist, in part, of 1.37 percent weed seed and to contain the noxious-weed seeds, dodder and bottlebrush plantain, at the rate of 218 and 176 per pound, respectively. Agricultural seed containing in excess of 200 dodder seeds per pound is prohibited from sale in the State of Alabama. The seed was seized by the United States marshal.



On April 3, 1950, no claimant having appeared the Court ordered the seed destroyed.

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212. False labeling of sorghum seed. U. S. v. Salina Seed Company, Salina, Kansas. Plea of guilty. Fine \$100 and costs. (F. S. 549)

Salina Seed Company, Salina, Kansas, on March 17, 1949, delivered for transportation in interstate commerce from Salina, Kansas, to Little Rock, Arkansas, 100 bags of sorghum seed.

Information was filed in the District Court of the United States for the District of Kansas, alleging that the Salina Seed Company, Salina, Kansas, did unlawfully deliver for transportation in interstate commerce the above-mentioned shipment of seed in violation of the Federal Seed Act.

Labels attached to the bags represented the seed to have a germination of 85 percent; whereas, the seed was found in March 1949 to have a germination of 54 percent.

On May 9, 1950, the Salina Seed Company, Salina, Kansas, entered a plea of guilty and the Court imposed a fine of \$100 and costs.

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213. False labeling of lespedeza seed. U. S. v. 85 bags of lespedeza seed. Seed seized, recleaned, and relabeled to comply with the Federal Seed Act. (F. S. 551)

J. E. Algood, Pendleton, South Carolina, on December 30, 1949, delivered for transportation in interstate commerce from Pendleton, South Carolina, to Dothan, Alabama, 125 bags of lespedeza seed.

A libel was filed in the District Court of the United States for the Middle District of Alabama praying seizure of 85 bags of this seed and alleging same to be in violation of the Federal Seed Act.

Labeling which accompanied the shipment represented the seed to consist, of 98.54 percent Kobe lespedeza seed, 0.69 percent inert matter, 0.53 percent weed seed, and 0.24 percent other crop seed; whereas, the seed was found to consist of 93.67 percent Kobe lespedeza seed, 0.43 percent inert matter, 1.40 percent weed seed, and 4.50 percent other crop seed.

The labeling also represented this seed to contain the noxious-weed seeds, horsenettle and dodder, at the rate of 207 and 9 per pound, respectively; whereas, the seed was found to contain the noxious-weed seeds, dodder, horsenettle, cheat, and bottlebrush plantain, at the rate of 225, 189, 108, and 63 per pound, respectively. Agricultural seed containing in excess of 200 dodder seeds per pound or in excess of 500 noxious-weed seeds singly or collectively is prohibited from sale in the State of Alabama. The seed was seized by the United States marshal.

On June 19, 1950, the seed was recleaned and relabeled to comply with the Federal Seed Act in compliance with the Court order.

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214. False labeling of cowpea seed, U. S. v. 76 bags of cowpea seed. Seed seized; 41 bags ground for feed and 35 bags relabeled to comply with the Federal Seed Act. (F. S. 553)

Johnston Seed Company, Enid, Oklahoma, on February 6, 1950, delivered for transportation in interstate commerce from Enid, Oklahoma, to Dothan, Alabama, 200 bags of cowpea seed.

A libel was filed in the District Court of the United States for the Middle District of Alabama praying seizure of 76 bags of this seed and alleging same to be in violation of the Federal Seed Act.

Labels attached to the bags represented the seed to have a germination of 80 percent; whereas, the seed was found in February and March 1950 to have a germination of 55 to 61 percent. Tests made on different samples of the lot indicated the seed was not of uniform quality. Agricultural seed having a germination of less than 60 percent is prohibited from sale in the State of Alabama.

On June 21, 1950, the seed was reblended; 35 bags found to germinate above 60 percent were relabeled to comply with the Federal Seed Act, and 41 bags found to germinate less than 60 percent were ground for feed in compliance with the Court order.

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215. False labeling of lespedeza seed. U. S. v. 8 bags of lespedeza seed. Seed seized and ordered destroyed. (F. S. 556)

J. O. Tillson, Mize, Mississippi, on February 27, 1950, delivered for transportation in interstate commerce from Mize, Mississippi, to Anniston, Alabama, 8 bags of lespedeza seed.

A libel was filed in the District Court of the United States for the Northern District of Alabama praying seizure of this seed and alleging same to be in violation of the Federal Seed Act.

Labels attached to the bags represented the seed to consist, in part, of 0.78 percent weed seed and to contain no noxious-weed seeds; whereas, the seed was found to consist, in part, of 1.33 percent weed seed and to contain the noxious-weed seed, dodder, at the rate of 207 per pound. Agricultural seed containing in excess of 200 dodder seeds per pound is prohibited from sale in the State of Alabama. The seed was seized by the United States marshal.

On June 30, 1950, no claimant having appeared, the Court ordered the seed destroyed.

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216. False labeling of lespedeza seed. Excessive noxious-weed seeds. U. S. v. 30 bags of lespedeza seed. Seed seized, recleaned, and relabeled to comply with the Federal Seed Act. (F. S. 558)

Southern Seed Farms, Belton, South Carolina, on March 11, 1950, delivered for transportation in interstate commerce from Americus, Georgia, to Montgomery, Alabama, 155 bags of lespedeza seed.

A libel was filed in the District Court of the United States for the Middle District of Alabama praying seizure of 30 bags of this seed and alleging same to be in violation of the Federal Seed Act.

Labels attached to the bags represented the seed to contain the noxious-weed seeds, horsenettle, dodder, and bracted plantain, at the rate of 24, 50, and 24 per pound, respectively; whereas, the seed was found to contain the noxious-weed seeds, horsenettle, dodder, and bracted plantain, at the rate of 9, 639, and 117 per pound, respectively. Agricultural seed containing in excess of 200 dodder seeds or a total of 500 noxious-weed seeds per pound is prohibited from sale in the State of Alabama and, therefore, prohibited from shipment into that State under the Federal Seed Act. The seed was seized by the United States marshal.

On June 10, 1950, the seed was recleaned and relabeled to comply with the Federal Seed Act in compliance with the Court order.

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217. False labeling of Dallis grass seed, U. S. v. six bags of Dallis grass seed. Seed seized and ordered destroyed. (F. S. 559)

Rowland Company, Athens, Georgia, on February 2, 1950, delivered for transportation in interstate commerce from Athens, Georgia, to Lafayette, Alabama, six bags of Dallis grass seed.

A libel was filed in the District Court of the United States for the Middle District of Alabama praying seizure of this seed and alleging same to be in violation of the Federal Seed Act.

Labels attached to the bags represented the seed to have a germination of 64 percent; whereas, the seed was found in April 1950 to have a germination of 10 percent. The seed was seized by the United States Marshal.

On June 8, 1950, no claimant having appeared, the Court ordered the seed destroyed.

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